

**CITY OF HERMOSA BEACH
RESOLUTION NO. 25-XXXX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH APPROVING THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROGRAM PROJECT 685 - REAL-TIME CRIME CENTER PROJECT PURSUANT TO GOVERNMENT CODE SECTION 830.6, ESTABLISHING A PROJECT PAYMENT ACCOUNT, AND AWARDING A SOLE-SOURCE CONTRACT TO AM-TEC TOTAL SECURITY, INC.

WHEREAS, the City of Hermosa Beach ("City") requires an update to its Real-Time Crime Center Project for security camera services and servers ("Project"); and

WHEREAS, City staff has determined that if the Project was awarded to any firm other than Am-Tec Total Security, Inc. ("Contractor"), the Project would not be reasonably compatible with the City's existing infrastructure proprietary to Contractor and that it would be cost prohibitive to replace the City's existing infrastructure to permit greater competition ("Staff Findings"); and

WHEREAS, the City Council's award of a contract and all of the acts leading up to the award are legislative in character, and the letting of contracts by the City Council necessarily requires an exercise of discretion guided by consideration of the public welfare (*Mike Moore's 24-Hour Towing v. City of San Diego*, 45 Cal.App.4th 1294, 1303 (1996)); and

WHEREAS, competitive bidding is not applicable "where competitive proposals work an incongruity and are unavailing as affecting the final result, or where competitive proposals do not produce any advantage, or where it is practically impossible to obtain what is required and to observe such form" (*Graydon v. Pasadena Redevelopment Agency*, 104 Cal.App. 3d 631, 636 (1980); an example being "unique products and/or services" *Id.* at p. 637 (citing *Hiller v. City of Los Angeles*, 197 Cal. App. 2d 685 (1961))); and

WHEREAS, California Public Contract Code section 3400(c) authorizes the City to require a particular material, product, thing, or service designated by specific brand or trade name in order to match other products in use on a particular public improvement either completed or in the course of completion when certain findings are made.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The recitals above are true and correct, and are hereby incorporated herein by this reference.

SECTION 2. Determination. The City Council finds that (a) the design and plans for the Project are consistent with the City's standards and are approved; (b) the design approval set forth in this Resolution occurred before actual work on the Project construction commenced; and (c) the approval granted by this Resolution conforms with the City's General Plan.

SECTION 3. Adoption. The City Council hereby adopts the Staff Findings.

SECTION 4. Authorization. The City Council authorizes the following:

a. The establishment of an account containing sufficient monies from the current fiscal year budget to pay for the Project. This account is the sole source of funds available for the construction sum as defined in the contract document administering the Project.

b. The City Engineer or designee to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.

c. The City Manager or designee to enter into the construction contract with Contractor as set forth in Exhibit A.

d. The Director of Public Works to establish a project contingency for the Project in the amount of forty-nine thousand four hundred eighty-one dollars and ninety-eight cents (\$49,481.98) and to approve contract change orders up to the amount of the approved project contingency.

SECTION 5. Design Immunity. The approval and authorization granted by this Resolution is intended to avail the City and the City's delegated officers of the immunities set forth in California Government Code section 830.6.

SECTION 6. Award of Contract. The City Council hereby awards the contract for the Project to Contractor in the amount of four hundred ninety-four thousand eight hundred nineteen dollars and seventy-nine cents (\$494,819.79).

SECTION 7. California Environmental Quality Act ("CEQA"). The City Council finds that this Resolution is not subject to CEQA pursuant to Sections 15301 (the proposed

work is a minor alteration of existing public structures or facilities involving negligible or no expansion of existing use).

SECTION 8. Severability. If any section or provision of this Resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Resolution shall remain valid. The City Council hereby declares that it would have adopted this Resolution, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 9. Certification. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 10. Effective Date. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, and ADOPTED on this 28th day of October 2025.

Mayor Rob Saemann

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Jason Baltimore
Interim City Attorney

EXHIBIT A
CONSTRUCTION CONTRACT